

1 BILL NO. G-85- 06-30

2 GENERAL ORDINANCE NO.G- 18-85

3 AN ORDINANCE amending the Thoroughfare
4 Plan of the City Comprehensive ("Master")
5 Plan by vacating a portion of a utility easement.

6 WHEREAS, a petition to vacate a portion of a utility easement within
7 the City of Fort Wayne (as more specifically described below) was duly
8 filed with the City Planning Commission; and

9 WHEREAS, said Commission duly held a public hearing thereon; and

10 WHEREAS, said Commission has duly forwarded its recommendation to
11 this body approving said petition, all in accordance with I.C. 36-7-4-
12 512(2); and

13 WHEREAS, this body concurs in the recommendation of the City
14 Planning Commission.

15 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
16 FORT WAYNE, INDIANA:

17 SECTION 1. That the petition filed herein to vacate a portion of a
18 utility easement within the City of Fort Wayne, more specifically
19 described as follows, to-wit:

20 The North 3 feet by 121 feet of the 14 foot by 121 foot
21 utility easement on Lot 26 of Lake Shores, Section I

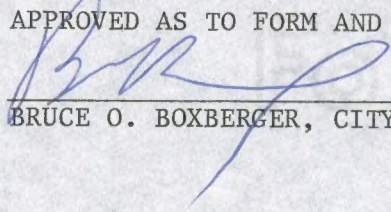
22 and which vacating amends the Thoroughfare Plan of the City Compre-
23 hensive ("Master") Plan and is hereby approved in all respects.

24 SECTION 2. That this Ordinance shall be in full force
25 and effect from and after its passage, any and all necessary approval by
26 the Mayor.

27 Charles B. Redd
28 COUNCILMEMBER
29
30
31
32

Page two

APPROVED AS TO FORM AND LEGALITY:


BRUCE O. BOXBERGER, CITY ATTORNEY

**Public hearing to be held on _____, the _____
day of _____, 19_____, in the Council
Chambers.

Sandra E. Kennedy, City Clerk

Read the first time in full and on motion by Read
seconded by Salinas, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne
Indiana, on _____, the _____ day of _____,
19____, at _____ o'clock _____ .M., E.

DATE: 6-25-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Read
seconded by Salinas, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>7</u>	_____	_____	<u>2</u>	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	<u>✓</u>	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	<u>✓</u>	_____

DATE: 8-13-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 8-18-85

on the 13th day of August, 19 85,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark E. Quint
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 14th day of August, 19 85,
at the hour of 11:00 o'clock A. .M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of August,
19 85, at the hour of 12:30 o'clock P. .M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

Vacation Ordinance

PETITION TO VACATE (Dedicated Utility Easement)

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The Undersigned petioioner, does hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following dedicated utility easement, within the City of Fort Wayne, Indiana, and hereby described as follows:

The North 3 feet by 121 feet of the 14 foot x 121 foot utility easement on lot 26 of Lake Shores, Section I; or 7210 Penmoken Drive, Fort Wayne, Indiana.

In support thereof, your petitioner would represent as follows:

1. That they are the only owners of the real estate bordering both sides of the easement.
2. That no other person, firm, or corporation is interested in or affected by the requested vacation.
3. That the maintenance of said utilities may still be accomplished and this easement advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof.
4. That they would improve the North 3 feet of the utility easement by building a garage on this real estate.

Your petitioner files this petition pursuant to the authority granted in Indiana Code, Section 36-7-4-512 in order to complete the vacation as above described.

WHEREFORE, your petitioner pray that the above described utility easement b be vacated according to the provisions of the Indiana Law pertaining thereto.

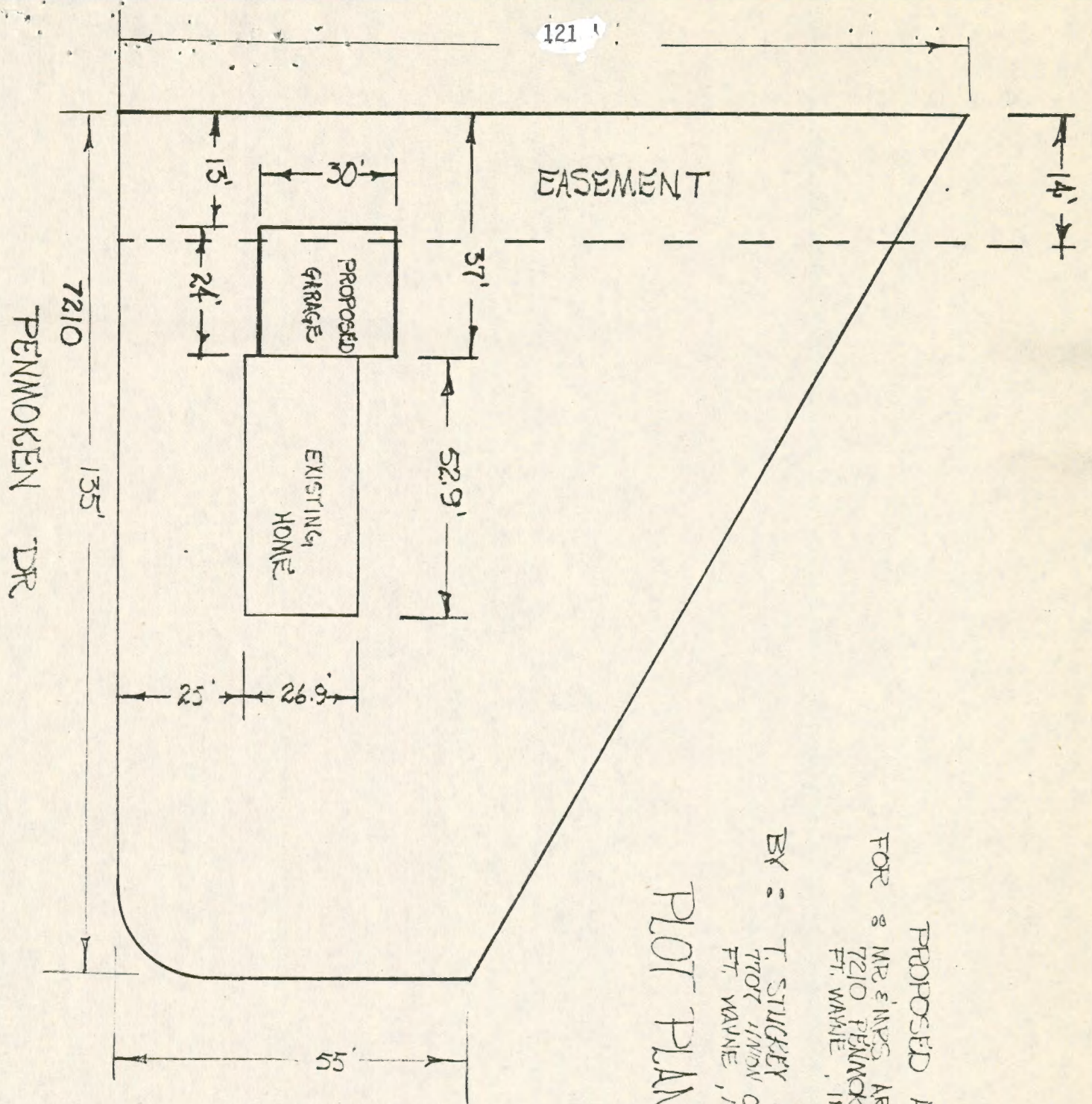
DATED THIS 19th DAY OF April 19 85

Arnold H. Stuckey
Petitioner's Signature

7210 Penmoken Dr.
Petitioner's Address

T. Stuckey Construction
7707 Union Chapel Road
Fort Wayne, Indiana 46825
Agent's Name & Address

#4



PLOT PLAN

PROPOSED ATTACHED GARAGE 720 SQ. FT.
 FOR : MR. & MRS. ARNOLD KICK
 7210 PENMOKEN DR
 FT. WAYNE, IND. PK - 747-4533
 BY : T. SUGGER CONSTRUCTION
 7707 1/2 W. CHAPEL ROAD
 FT. WAYNE, IND. 46825 TK - 627-5131

R E S O L U T I O N 75-52-19

WHEREAS, ARNOLD H. KUCK have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following portion of a dedicated utility easement situated in Fort Wayne, Allen County, to-wit:

The North 3 feet by 121 feet of the 14 foot by 121 foot utility easement on Lot 26 of Lake Shores, Section I

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of a portion of a dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said portion of a dedicated utility easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said portion of dedicated utility easement hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated utility easement or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN)

I, David Kiester, Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Works at their meeting held 7-3-85 and as same appears of record in the official records of said Board of Public Works.

DATED THIS 3rd DAY OF July 19 85

FORT WAYNE BOARD OF PUBLIC WORKS

David J. Kiester
David J. Kiester
Director of Public Works

Cosette R. Simon
Cosette R. Simon
Director of Administration & Finance

Lawrence D. Consalvos
Director of Public Safety

R E S O L U T I O N

WHEREAS, ARNOLD H. KUCK have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following portion of a dedicated utility easement in Fort Wayne, Allen County, to-wit:

The North 3 feet by 121 feet of the 14 foot by 121 foot utility easement on Lot 26 of Lakeshores, Section I

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-512.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on June 17, 1985, at 7:00 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said portion of a utility easement

WHEREAS, said vacation of said portion of a utility easment has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said portion of a utility easement hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said portion of a utility easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said portion of utility easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said portion of a utility easement in Allen County, Indiana.

STATE OF INDIANA)

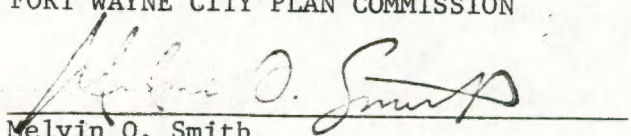
) SS:

COUNTY OF ALLEN)

I, Melvin O. Smith, Secretary of the Fort Wayne City Plan Commission, do hereby certify that the attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held June 22, 1985 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 25th DAY OF June 19 85

FORT WAYNE CITY PLAN COMMISSION


Melvin O. Smith
Secretary

ORIGINAL

ORIGINAL
DIGEST SHEET

Admn. Appr. _____

ORIGINAL

85-06-30

TITLE OF ORDINANCE Utility Easement Vacation

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE The North 3' x 121' of the 14' x 121' utility easement
located on Lot #26 in Lake Shore, Section I.

EFFECT OF PASSAGE _____

EFFECT OF NON-PASSAGE _____

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____

FACT SHEET

G-85-06-30

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE****APPROVAL DEADLINE****REASON**Easement Vacation Ordinance**DETAILS****Specific Location and/or Address**

Portion of an easement on the property at
7210 Penmoken Drive.

Reason for Project

To allow for the construction of a new
garage, which would otherwise encroach
3 feet into the present easement.

Discussion (Including relationship to other Council actions)17 June 1985 - Public Hearing

The petitioner did not appear at the
public hearing.

There was no one present who wished to
speak in favor of or in opposition to the
proposed vacation.

24 June 1985 - Business Meeting

Motion was made to return the ordinance to
the Common Council with a DO PASS recommendation.
Motion carried.

Of the eight (8) members present seven (7)
voted in favor of one (1) did not vote.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

Arnold H. Kuck
City Department

Other

Opponents**Groups or Individuals**

None

Basis of Opposition

**Staff
Recommendation**☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation****By**☒ For ☐ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS**(For Council
use only)☐ Pass ☐ Other☐ Pass (as
amended) ☐ Hold☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date April 19, 1985

Projected Completion or Occupancy

Date June 27, 1985

Fact Sheet Prepared by

Patricia Biancaniello

Date June 27, 1985

Reviewed by

Gary E. Baeten

Gary E. Baeten, Senior Planner

Reference or Case Number

Date June 27, 1985

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 11972

FT. WAYNE, IND., April 19 1985RECEIVED FROM Arnold H. Kurk \$100.00THE SUM OF One Hundred DOLLARS
100ON ACCOUNT OF Casement Vacation7210 Pennycuik Dr.AUTHORIZED SIGNATURE J. Paul

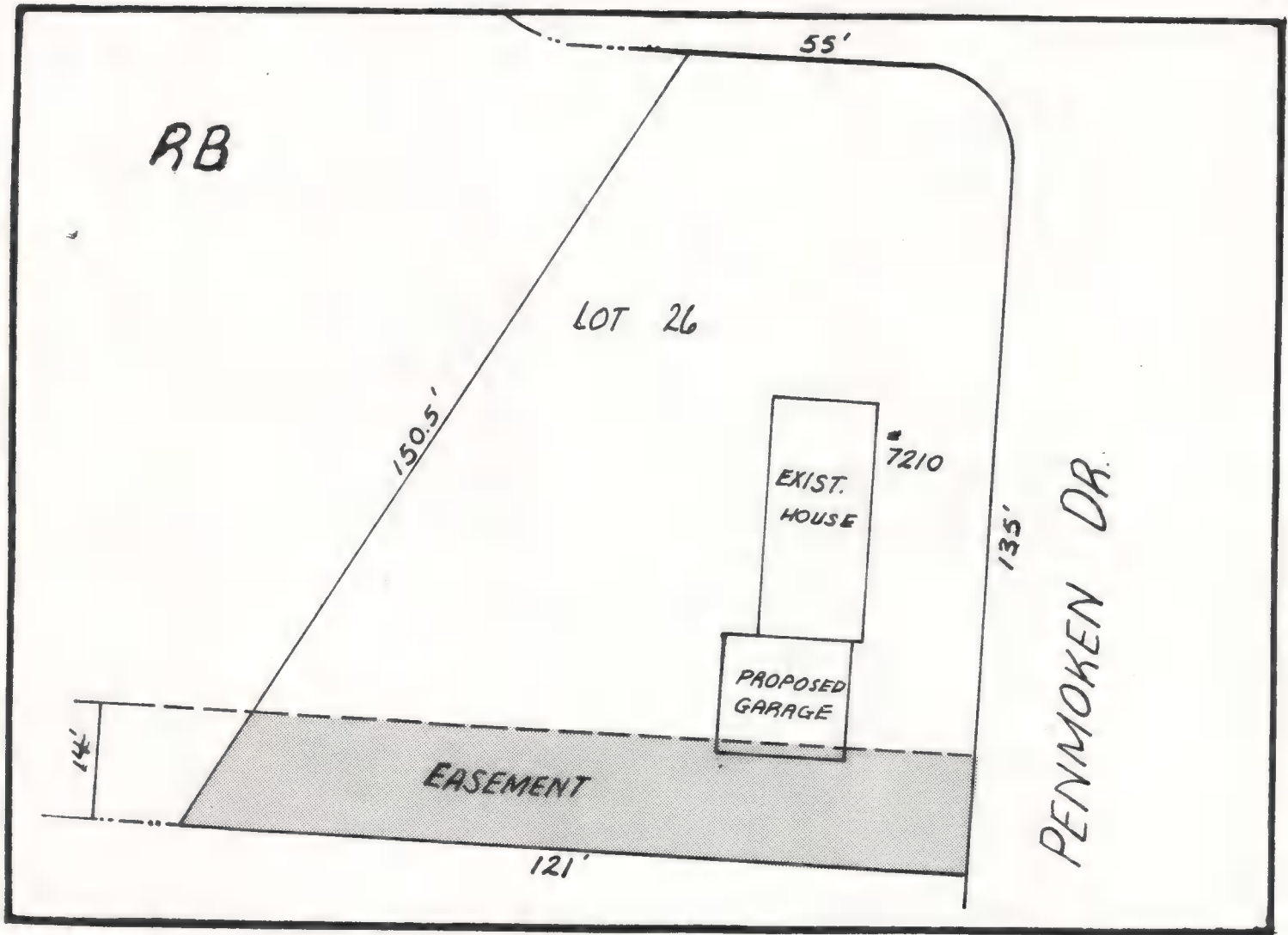
VACATION PETITION

#130

A PETITION TO VACATE THE DESCRIBED UTILITY EASEMENT.

MAP NO. K-27

COUNCILMANIC DISTRICT NO. 5



Zoning:

RB RESIDENCE 'B'

Land Use:

☐ SINGLE FAMILY

BILL NO. G-85-06-30

Scale: NOT TO SCALE

Date: 4-24-85



6 June 1985

PROPOSAL:

Petitioner requests the vacation of a portion of an easement being the North 3 feet by 121 feet of a 14 foot utility easement.

GENERAL INFORMATION:

Location:	A 14 foot utility easement located at 7210 Penmoken Drive.
Legal Description:	Metes & Bounds in File
Existing Zoning:	Adjacent property is zoned RB.
Size of Property:	363 sq. ft.
Surrounding Zoning:	This easement is located in an RB district, and the area has residential development.
Reason For Request:	Construction of a garage.

PLANNING STAFF DISCUSSION:

As the petition is only requesting a vacation for a three foot strip of this easement, we find no objection.

RECOMMENDATION:

Conditional Approval

Contingent upon releases being received from all utilities.

NOTICE OF PUBLIC HEARING

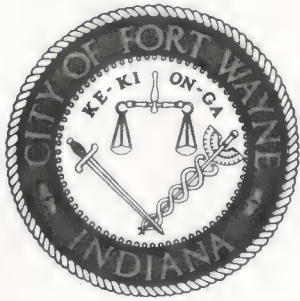
You are hereby notified that the Fort Wayne City Plan Commission will conduct a public hearing on Monday, June 17, 1985 at 7:00 p.m. in Room #126, City-County Building, One Main Street, Fort Wayne, Indiana, on the following proposed vacation of a portion of a utility easement, more particularly described as follows:

The North 3 feet by 121 feet of the 14 foot x 121 foot utility easement on Lot 26 of Lake Shores, Section 1.

All interested persons are invited to appear and be heard.

FORT WAYNE CITY PLAN COMMISSION

Melvin O. Smith
Secretary



The City of Fort Wayne

July 22, 1985

Ms. Trudy Sterling
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Sterling:

Please give the attached full coverage on the date of July 25, 1985, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-85-06-31
Alley vacation

Bill No. G-85-06-30
Utility Easement

Bill No. G-85-06-32
Utility Easement

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 3

NOTICE OF PUBLIC HEARING

FORT WAYNE COMMON COUNCIL

BILL NO. G-85-06-30

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, August 13, 1985, at 7:00 P.M. EST in Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

The North 3 feet by 121 feet of the
14 footx 121 foot utility easement
on Lot 26 of Lake Shores, Section 1

All interested persons are invited to appear and be heard.

Fort Wayne Common Council

Sandra E. Kennedy
City Clerk



The City of Fort Wayne

July 19, 1985

T. Stuckey Construction
7707 Union Chapel Road
Fort Wayne, IN 45625

NOTICE OF PUBLIC HEARING ON BILL NO. G-85-06-30

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, August 13, 1985, at 7:00 P.M. (EST) in the Common Council Conference Room, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

The North 3 feet by 121 feet of the
14 foot x 121 foot utility easement
on Lot 26 of Lake Sores, Section 1.

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Fort Wayne Common Council

Sandra E. Kennedy
City Clerk

Form Prescribed by State Board of Accounts
Fort Wayne Common Council
(Governmental Unit)
Allen
County, IN

General Form No. 99P (Rev. 1967)

To JOURNAL-GAZETTE Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines
Head number of lines 3
Body number of lines 11
Tail number of lines 3
Total number of lines in notice 17

COMPUTATION OF CHARGES

17 lines, 1 columns wide equals 17 equivalent lines at .300¢ \$ 5.10
cents per line
Additional charge for notices containing rule or tabular work (50 per cent of above amount)
Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra 1.00
TOTAL AMOUNT OF CLAIM \$ 6.10

DATA FOR COMPUTING COST

Width of single column 12.5 picas Size of type 6 point
Number of insertions 1 Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date July 26 19 85 Title CLERK
Drusilla Roose

FORM #904

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that he/she is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time, the dates of publication being as follows:

7/26/85

Subscribed and sworn to me before this 26th day of July 19 85
Shelley R. LaRue Notary Public
My commission expires March 6, 1986

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
BILL NO. G-85-06-30
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All interested persons are invited to appear and be heard.
Fort Wayne Common Council
Sandra E. Kennedy
City Clerk
7/26

Fort Wayne Common Council

(Governmental Unit)

Allen

County, IN

To

NEW-SENTINEL

P.O. BOX 100

FORT WAYNE, INDIANA

Dr.

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines			
Head	number of lines		3
Body	number of lines		11
Tail	number of lines		3
Total number of lines in notice			17

COMPUTATION OF CHARGES

17	1	17	.300¢	5.10
lines, columns wide equals equivalent lines at cents per line				
Additional charge for notices containing rule or tabular work (50 per cent of above amount)				
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I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date July 26 19 85

Drusilla Roose

Title CLERK

FORM #903

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that he/she is CLERK of the NEWS-SENTINEL DAILY a newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time, the dates of publication being as follows:

7/26/85

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Notary Public

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FORT WAYNE COMMON COUNCIL
BILL NO. G-85-06-30

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All interested persons are invited to appear and be heard.

Fort Wayne Common Council
Sandra E. Kennedy
City Clerk

7/26

BILL NO. G-85-06-30

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Thoroughfare
Plan of the City Comprehensive ("Master") Plan by vacating a portion
of a utility easement

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(~~RESOLUTION~~)

YES

NO

Charles B. Redd
CHARLES B. REDD
CHAIRMAN

Janet G. Bradbury
JANET G. BRADBURY
VICE CHAIRWOMAN

James S. Stier
JAMES S. STIER

Ben A. Eisbart
BEN A. EISBART

Donald J. Schmidt
DONALD J. SCHMIDT

CONCURRED IN 8-13-85

SANDRA E. KENNEDY
CITY CLERK